

1 MICHAEL J. McCUE (Nevada Bar #6055)
2 mmccue@LRLAW.com
3 JONATHAN W. FOUNTAIN (Nevada Bar #10351)
4 jfountain@LRLAW.com
5 LEWIS AND ROCA LLP
6 Suite 600
7 3993 Howard Hughes Parkway
8 Las Vegas, Nevada 89169
9 (702) 949-8200 (tel.)
10 (702) 949-8398 (fax)

11 Attorneys for Plaintiff
12 Lifetime Products, Inc.

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 LIFETIME PRODUCTS, INC.,
16 a Utah corporation,

17 Plaintiff,

18 vs.

19 NINGBO WANXIANG PLASTICS
20 PRODUCTS CO., LTD., a Chinese
21 corporation, HANGZHOU DALI TOOLS
22 PACKING CO., LTD., a Chinese corporation,
23 ZHEJIANG BESTEM FURNITURE, CO.,
24 LTD., a Chinese corporation, NINGBO STEP-
25 FORWARD INDUSTRY CORP., a Chinese
corporation, and NINGBO STEP-FORWARD
IMP. & EXP. CO., LTD.,

26 Defendants.

27 **COMPLAINT**

28 **(JURY DEMAND)**

20 For its Complaint, Plaintiff Lifetime Products, Inc. ("Lifetime") alleges as follows:

21 **JURISDICTION AND VENUE**

22 1. This is an action for patent infringement arising under the patent laws of the United
23 States, 35 U.S.C. § 1 *et seq.*

24 2. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C.
25 §§ 1331, 1338(a), and 1367(a).

26 3. This Court may exercise personal jurisdiction over the Defendants based upon their
27 contacts with this forum, including doing business in the United States, including in this district,
and having committed acts of patent infringement within this district by importing and offering to

1 sell products covered by Lifetime's patents at the 2009 National Hardware Show trade show in
2 Las Vegas, Nevada.

3 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and
4 1400(b) because Defendant has committed acts of infringement in this judicial district.

PARTIES

6 5. Plaintiff Lifetime is a Utah corporation with its principal place of business in
7 Clearfield, Utah. Lifetime is the world's leading manufacturer of folding tables and chairs and
8 other lifestyle products including basketball goals, playground equipment, outdoor sheds, and
9 utility trailers.

10 6. Defendant Ningbo Wanxiang Plastics Products Co., Ltd. is a Chinese corporation
11 with its principal place of business in Ningbo, China. Ningbo manufactures and sells products
12 including folding table and chairs.

13 7. Defendant Hangzhou Dali Tools Packing Co., Ltd. is a Chinese corporation with its
14 principal place of business in Hangzhou, Zhejiang province, China, who manufactures and sells
15 products including folding table and chairs.

16 8. Defendant Zhejiang Bestem Furniture Co., Ltd. is a Chinese corporation with its
17 principal place of business in Huzhou City, Zhejiang province, China, who manufactures and sells
18 products including folding table and chairs.

19 9. Defendant Ningbo Step-Forward Industry Corp. is a Chinese corporation with its
20 principal place of business in Ningbo, China, who manufactures and sells products including
21 folding table and chairs.

22 10. Defendant Ningbo Step-Forward Imp. & Exp. Co., Ltd. is a Chinese corporation
23 with its principal place of business in Ningbo, Chine, who manufactures and sells products
24 including folding table and chairs.

25 11. Lifetime is the owner of U.S. patents 6,912,961; 7,059,254; 7,263,932; 6,109,687;
26 6,945,178; 6,542,842; 6,871,906; 7,014,261; 7,069,865; 7,171,910; 7,114,453; 7,044,068;
27 6,895,872; 6,655,301; 6,550,404; 7,128,002; 6,931,999; and 6,848,370 (collectively, “Lifetime
28 Patents”).

12. On information and belief, without Lifetime's authorization, Defendants have made, used, offered to sell, sold, and/or imported into the United States products that are covered by one or more claims in each of the Lifetime Patents (the "Infringing Products").

COUNT I

(PATENT INFRINGEMENT)

13. Lifetime re-alleges each and every allegation set forth in paragraphs 1 through 8 above, inclusive, and incorporates them by reference herein.

14. Defendants have made, used, offered to sell, sold, and/or imported into the United States, and is still making, using, offering to sell, selling, and/or importing into the United States, the Infringing Products.

15. Defendants' infringement has been intentional and willful, making this an exceptional case.

16. Lifetime has been and will continue to be irreparably harmed by Defendants' infringement.

RELIEF REQUESTED

A. Judgment that the Defendants have willfully infringed the Lifetime Patents in violation of 35 U.S.C. § 271;

B. Temporary, preliminary and permanent injunctive relief against infringement of the Lifetime Patents by the Defendants, their respective agents, servants, employees, officers, and all others controlled by them, and seizure of the Defendants' infringing products;

C. An award of damages adequate to compensate Lifetime for the patent infringements that have occurred pursuant to 35 U.S.C. § 284, which shall be trebled as a result of Defendant's willful patent infringement, or an award of Defendants' profits from its infringements pursuant to 35 U.S.C. § 289, whichever is greater, together with prejudgment interest and costs;

D. An assessment of costs, including reasonable attorney fees, pursuant to 35 U.S.C. § 285, with prejudgment interest; and

E. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Lifetime demands a jury trial on all issues raised in this Complaint triable to a jury.

DATED: May 5, 2009

LEWIS AND ROCA LLP

/s/

MICHAEL J. McCUE (Nevada Bar #6055)
JONATHAN W. FOUNTAIN (Nevada Bar #10351)
Suite 600
3993 Howard Hughes Parkway
Las Vegas, Nevada 89109
(702) 949-8200
(702) 949-8398 (fax)

Attorneys for Plaintiff
Lifetime Products, Inc.